

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

CALVIN HORTON,

Petitioner,

vs.

Civil Action 2:07-cv-525
Judge Sargus
Magistrate Judge King

MICHAEL SHEETS,

Respondent.


ORDER

Final judgment dismissing this habeas corpus case as untimely was entered on March 11, 2008. *Judgment*, Doc. No. 11. On August 30, 2012, the Court denied petitioner's motion for relief from that judgment. *Opinion and Order*, Doc. No. 21. This matter is now before the Court on petitioner's September 20, 2012 *Motion for an Extension of Time*, Doc. No. 22, and *Motion for a Certificate of Appealability*, Doc. No. 23.

The Court construes petitioner's *Motion for an Extension of Time*, Doc. No. 22, as a notice of appeal. The Clerk is **DIRECTED** modify the docket to indicate that Doc. No. 22 is a notice of appeal from the *Opinion and Order* issued August 30, 2012.

However, for the reasons stated in the August 30, 2012 *Opinion and Order*, the Court concludes that jurists of reason would not find it debatable whether this Court was correct in its procedural ruling. See *Slack v. McDaniel*, 529 U.S.473, 484 (2000). Petitioner's *Motion for a Certificate of Appealability*, Doc. No. 23, is therefore **DENIED**.

9-17-2012
Date


Edmund A. Sargus, Jr.
United States District Judge